

06/03/1996

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## STATE OF COLORADO

## DIVISION OF MINERALS AND GEOLOGY

Department of Natural Resources

Durango Field Office

484 Turner Drive, Bldg. F, Suite 101

Durango, Colorado 81301

Phone: (970) 247-5062

FAX: (970) 247-5104

RECEIVED

SEP 17 1999

OFFICE OF THE  
ATTORNEY GENERAL  
NATURAL RESOURCES &  
ENVIRONMENT SECTIONBill Owens  
GovernorGreg E. Walcher  
Executive DirectorMichael B. Long  
Division Director

## FACSIMILE TRANSMITTAL COVER SHEET

TO: NAME: Annette Quill  
ORGANIZATION: AGO  
FAX NUMBER: (303) 866-3558

FROM: NAME: Wally Erickson  
PROGRAM: MINERALS: ☒ COAL: ☐ IMP: ☐ MINE SAFETY: ☐

DATE: 9/16/99 NUMBER OF PAGES TO FOLLOW: 7

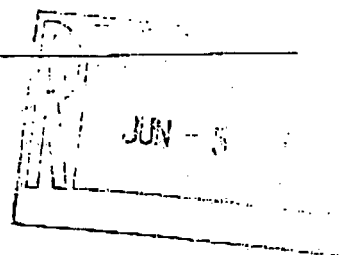
TIME TO BE SENT: ASAP: ☒ or NIGHT RATE: ☐

MESSAGE TO RECIPIENT:

Rico Stuff in 3 FAX groups

**ESA Consultants Inc.**

2637 Midpoint Drive, Suite F, Fort Collins, Colorado 80525  
Telephone: (970) 484-3611 • FAX: (970) 484-4118



June 3, 1996  
101.9601.043

Frank Kugel  
Office of the State Engineer  
Division of Water Resources  
P.O. Box 1880  
Durango, CO 81302

RE: Notice of Intent to Construct a Non-Jurisdictional Water Impoundment Structure  
Argentine Tailings Site, Rico, Colorado

Dear Mr. Kugel:

Enclosed is a Notice of Intent to Construct a Non-jurisdictional Water Impoundment Structure for Argentine Tailings Pond 4 Dam. Also enclosed are location maps (Figures 1-1 and 1-2) for the Argentine tailings site (Sheet AT-1) and the grading plan for Pond 4 (Sheet AT-3).

Rico Properties L.L.C. and other private property owners in conjunction with the Atlantic Richfield Company (prior property owner), submitted a voluntary cleanup plan for the Argentine tailings site to the Colorado Department of Public Health and Environment (the "Department") in February 1996. The Department approved the plan in accordance with the Voluntary Cleanup and Redevelopment Act (25-16-301 to 311, C.R.S.) on March 20, 1996. A copy of the Department's approval letter is enclosed for your information. Site remediation activities will be implemented by ARCO this summer. ESA Consultants prepared the site remediation design for ARCO.

As shown on Sheet AT-1, Pond 4 is part of the historic (inactive) Rico-Argentine mill tailings impoundment facility. No stream channels flow through the facility. Perennial Silver Creek is located along the south side of the facility. Currently, precipitation and runoff from the hillside to the north of the facility are detained in the existing impoundments until the water either infiltrates or evaporates. In the case of Pond 4, the bottom is unlined and the substrate consists of well-drained coarse talus or colluvium (i.e., sand, gravel and cobbles), and the depth to water is greater than 30 feet, the maximum depth of exploration. Under the voluntary cleanup plan, the tailings in Pond 4 will be removed and consolidated with the other piles. The reclamation plan for these piles includes a vegetative cover, and they will be graded to drain to Silver Creek and thereby prevent impoundment (and infiltration) of stormwater.

The long term stabilization plan for the site includes the diversion of runoff from the hillsides on the north side around the tailings piles and into Pond 4, and construction of a Pond 4 dam spillway

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*Engineering*

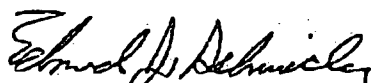
*Geosciences*

Frank Kugel  
June 3, 1996  
Page 2

structure. The vertical height of the spillway crest will be 10 feet or less from the lowest point of the ground surface after tailings are removed. Pond 4 will have a surface area 0.75 acre and a capacity of 3.5 acre-feet. Under normal conditions, the leaky bottom of Pond 4 is not expected to promote development of a persistent stormwater pool, which is the case under current conditions. The runoff impounded by Pond 4 upon completion of the site remediation plan should remain the same as that detained by the four ponds in the current configuration.

Please do not hesitate to contact me or Gary Windolph, P.E. if you have any questions or need additional information regarding this Notice.

Sincerely,  
ESA Consultants Inc.



Edmund J. Schneider  
Project Manager

Enclosures

cc: Rico Properties, L.L.C.  
Richard A. Elliott, ARCO Los Angeles  
Cynthia D. Kezos, ARCO Los Angeles

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ESA Consultants

OFFICE OF THE STATE ENGINEER  
DIVISION OF WATER RESOURCES  
1313 Sherman Street, Room 818  
Denver, Colorado 80203

DO NOT WRITE IN THIS BOX

DAM NAME: \_\_\_\_\_, NO.: \_\_\_\_\_ WATER DIV.: \_\_\_\_\_, DIST.: \_\_\_\_\_

**NOTICE OF INTENT TO CONSTRUCT A NON-JURISDICTIONAL  
WATER IMPOUNDMENT STRUCTURE<sup>1</sup>**

This notice is required by law pursuant to Section 37-87-125, C.R.S. (1984).  
This notice must be submitted to the Division Engineer 10 days prior to construction.  
(PLEASE PRINT OR TYPE APPLICATION)

**OWNER INFORMATION**

Name: Rico Properties, L.L.C.

Address: P.O. Box 220, 17 Glasgow Avenue Rico, Colorado 81332  
Street / P.O. Box / Rural Route City/Town State Zip Code

Telephone: ( 970 ) 967-5440

Responsible person: Stan Foster, Manager

Address: P.O. Box 220, 17 Glasgow Avenue Rico, Colorado 81332  
Street / P.O. Box / Rural Route City/Town State Zip Code

**STRUCTURE INFORMATION**

Name of Dam: Argentine Tailings Pond 4 Dam Water Division: 7 Former Water Dist: 71

Location: Qtr. Sect.: SE, Sect. 25, Township. 40N, Range 11W, P.M. NN

Dimensions: Vertical Height: 10 ft., Length: 470 ft., Slopes, U/S: 2:1, D/S: 3:1

Capacity: 3.5 acre feet, Surface Area: 0.75 acres, Drainage Area: 164 acres

Construction details: Spillway width: 12 ft., Spillway freeboard: 6 ft. (Vertical distance from bottom of spillway to crest of dam)

Outlet Type: Not Applicable, Size: Not Applicable inches, Water Court Case No. Not Applicable

Stream Name: Local Runoff Ditch

Signature of Owner: *Stan Foster* Date: 9/14/96

**DIVISION ENGINEER'S REMARKS**

Signature of Division Engineer

Date

<sup>1</sup> Vertical height is 10 feet or less at longitudinal centerline of dam from lowest point of ground surface to flowline crest of spillway, and 20 surface acres or less at high water line, and impounds 100 acre-feet or less of water.

## STATE OF COLORADO

Roy Romer, Governor  
Patti Shwayder, Acting Executive Director

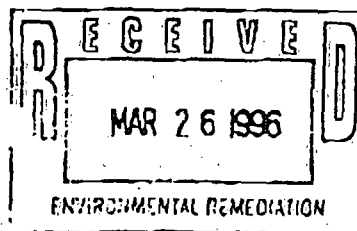
*Dedicated to protecting and improving the health and environment of the people of Colorado*

## HAZARDOUS MATERIALS AND WASTE MANAGEMENT DIVISION

4300 Cherry Creek Dr. S. 222 S. 6th Street, Room 232  
Denver, Colorado 80222-1530 Grand Junction, Colorado 81501-2768  
Phone (303) 692-3300 Phone (303) 248-7164  
Fax (303) 759-5355 Fax (303) 248-7198  
March 20, 1996



Colorado Department  
of Public Health  
and Environment



Mr. Richard K. Chapman  
ARCO  
444 S Flower Street  
Los Angeles, California 90071

Re: Voluntary Cleanup and Redevelopment Act Application for Argentine Tailings, Rico, Colorado.

Dear Mr. Chapman:

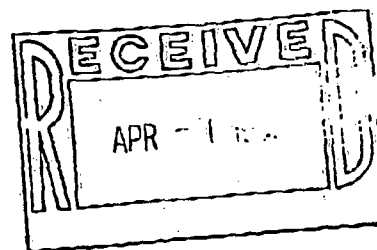
The Colorado Department of Public Health and Environment (the "Department") has reviewed the voluntary cleanup plan submitted by Atlantic Richfield Company, Rico Properties L.L.C., Rico Development Corporation, Val Truelson and Deanna E. Truelson (ARCO and Applicants) concerning property designated as the Argentine Tailings, located Northeast of the Town of Rico, Colorado. This review was limited to the materials submitted by ARCO and Applicants on November 13, 1995, and February 22, 1996, multiple addendums to the original application, a site visit on November 27, 1995, as well as those items required by §25-16-304(2).

Based on this review the Department has concluded that, if fully and properly implemented, the plan will attain a degree of cleanup and control of hazardous substances and petroleum products, such that the property does not present an unacceptable risk to human health or the environment based on the property's proposed use (historic inactive mill tailings site with open space and light industrial components).

In accordance with the Voluntary Cleanup and Redevelopment Act §§ 26-16-301 to 311, C.R.S., the Department hereby approves the voluntary cleanup plan submitted by ARCO and Applicants concerning property known as the Argentine Tailings, located Northeast of the Town of Rico, Colorado. It is the opinion of the Department that upon completion of the voluntary cleanup plan no further action is required to assure that this property, when used for the purposes identified in the cleanup plan (historic inactive mill tailings site with open space and light industrial components) is protective of existing and proposed uses and does not pose an unacceptable risk to human health or the environment at the site.

The approval of the voluntary cleanup plan by the Department, and the Department's conclusions and opinions relating thereto, apply only to conditions on the property and state standards that exist at the time of submission of, and which were addressed in the voluntary cleanup plan application. The submission of any materially misleading information by ARCO and Applicants in the context of a voluntary cleanup plan shall render the Department's approval of the plan void. Also, failure of ARCO and Applicants to materially comply with the voluntary cleanup plan shall render the Department's approval of the plan void.

Further, if the voluntary cleanup plan is not initiated within twelve months after approval by the Department, or completed within twenty-four months after approval or within a Department approved extension for completion of the voluntary cleanup plan, the approval shall lapse, and reapplication and Department approval pursuant to § 25-16-306(4), C.R.S. is required prior to implementation of the lapsed voluntary cleanup plan.



Mr. Richard K. Chapman  
March 20, 1996  
Page 2

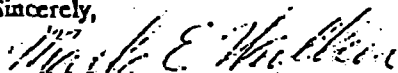
Within forty-five days after completion of the voluntary cleanup described in the plan approved by the Department, ARCO and Applicants shall provide to the Department a certification from a qualified environmental professional that the voluntary cleanup plan has been fully implemented. Any person who fails after initiation of an approved voluntary cleanup plan, to fully and properly implement the plan, may be required by the Department to take further action, provided such action is authorized or required under applicable state laws and regulations.

ARCO and Applicants shall comply with all applicable federal, state, and local laws or regulations and shall obtain all necessary approvals or permits to conduct the activities required by the voluntary cleanup plan. The Department makes no representation with respect to approvals or permits required by federal or local laws or regulations or state laws or regulations other than the Voluntary Cleanup and Redevelopment Act.

Further, the Department shall not be liable for any injuries or damages to persons or property resulting from acts or omissions of ARCO and Applicants or those acting for or on behalf of ARCO and Applicants, including its officers, employees, agents, successors, representatives, contractors, or consultants in carrying out the activities required by the voluntary cleanup plan. Nothing in the Department's approval of the voluntary cleanup plan, or the Department's conclusions or opinions relating thereto, shall constitute an express or implied waiver of sovereign immunity otherwise applicable to the Department, its employees, agents, or representatives.

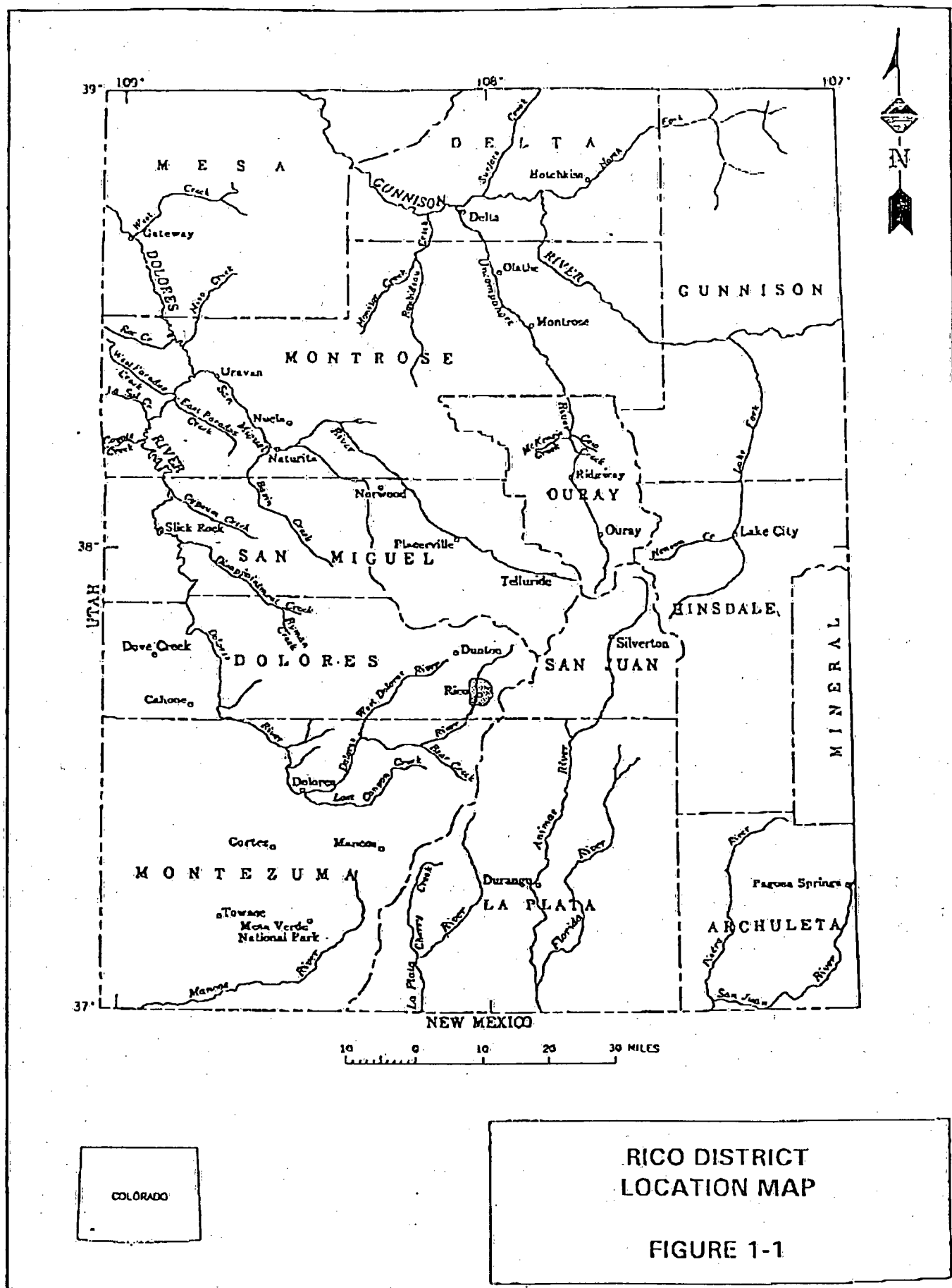
Nothing in this letter shall be construed to limit the Department's authority, and the Department reserves all rights and authorities to bring any action pursuant to applicable state laws or regulations. Further, the approval of this voluntary cleanup plan by the Department does not in any way absolve the owner of the property of its obligations to comply with any other law or regulation. If you have any questions, please call me at (303) 692-3449.

Sincerely,



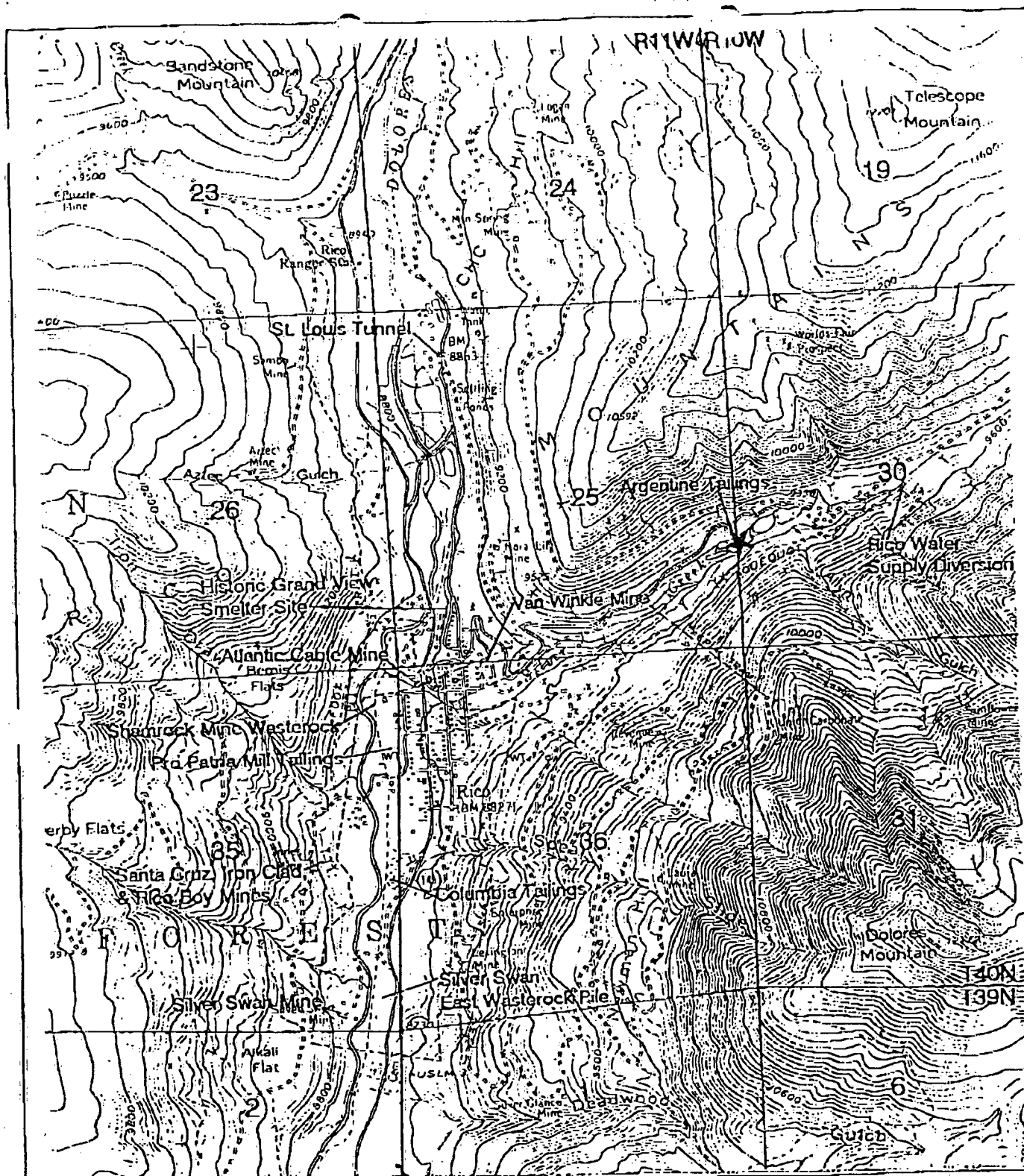
Mark E. Walker  
Voluntary Cleanup Program

cc: Stan Foster; Rico Properties, LLC  
Wayne Webster; Rico Development  
Val & Deanna Truelson  
Tim Buxton; US Forest Service  
Eric J. Heil; Town of Rico



RICO DISTRICT  
LOCATION MAP

FIGURE 1-1



0 1 MILE

CONTOUR INTERVAL 40 FEET

**ARGENTINE TAILINGS  
SITE LOCATION MAP****FIGURE 1-2**

Section lines added.

Base Map: USGS Rico Quadrangle, Colorado, 7.5 Minute Series.